

104TH CONGRESS  
2D SESSION

# H. R. 3810

To provide for the recognition of the Lumbee Tribe of North Carolina,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1996

Mr. ROSE introduced the following bill; which was referred to the Committee  
on Resources

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## A BILL

To provide for the recognition of the Lumbee Tribe of North  
Carolina, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Lumbee Recognition  
5       Act”.

6       **SEC. 2. PREAMBLE.**

7       The preamble to the Act of June 7, 1956 (70 Stat.  
8       254), is amended—

9               (1) by striking out “and” at the end of each of  
10       the first three clauses;

1           (2) by striking out “: Now therefore,” at the  
2       end of the last clause and inserting in lieu thereof  
3       a semicolon; and

4           (3) by adding at the end thereof the following  
5       new clauses:

“Whereas the Lumbee Indians of Robeson and adjoining  
      counties in North Carolina are descendants of coastal  
      North Carolina Indian tribes, principally Cheraw, and  
      have remained a distinct Indian community since the  
      time of contact with white settlers;

“Whereas the Lumbee Indians have been recognized by the  
      State of North Carolina as an Indian tribe since 1885;

“Whereas the Lumbee Indians have sought Federal recogni-  
      tion as an Indian tribe since 1888; and

“Whereas the Lumbee Indians are entitled to Federal rec-  
      ognition of their status as an Indian tribe and the bene-  
      fits, privileges, and immunities that accompany such sta-  
      tus: Now, therefore,”.

6   **SEC. 3. FEDERAL RECOGNITION.**

7       The Act of June 7, 1956 (70 Stat. 254), is amend-  
8   ed—

9           (1) by striking out the last sentence of the first  
10       section; and

11          (2) by striking out section 2 and inserting in  
12       lieu thereof the following:

13       “FEDERAL RECOGNITION; ACKNOWLEDGMENT

14       “SEC. 2. (a) Federal recognition is hereby extended  
15   to the Lumbee Tribe of North Carolina. All laws and regu-

1 lations of the United States of general application to Indi-  
2 ans and Indian tribes shall apply to the Lumbee Tribe  
3 of North Carolina and its members.

4 “(b) Notwithstanding the first section of this Act,  
5 any group of Indians in Robeson or adjoining counties  
6 whose members are not enrolled in the Lumbee Tribe of  
7 North Carolina, as determined under section (4)(b), may  
8 petition under part 83 of title 25 of the Code of Federal  
9 Regulations for acknowledgement of tribal existence.

10 “SERVICES

11 “SEC. 3. (a) The Lumbee Tribe of North Carolina  
12 and its members shall be eligible for all services and bene-  
13 fits provided to Indians because of their status as federally  
14 recognized Indians, except that members of the tribe shall  
15 not be entitled to such services until the appropriation of  
16 funds for these purposes. For the purposes of the delivery  
17 of such services, those members of the tribe residing in  
18 Robeson and adjoining counties, North Carolina, shall be  
19 deemed to be resident on or near an Indian reservation.

20 “(b) Upon verification of a tribal roll under section  
21 4 by the Secretary of the Interior, the Secretary of the  
22 Interior and the Secretary of Health and Human Services  
23 shall develop, in consultation with the Lumbee Tribe of  
24 North Carolina, a determination of needs and a budget  
25 required to provide services to which the members of the  
26 tribe are eligible. The Secretary of the Interior and the

1 Secretary of Health and Human Services shall each sub-  
2 mit a written statement of such needs and budget with  
3 the first budget request submitted to the Congress after  
4 the fiscal year in which the tribal roll is verified.

5 “(c)(1) The Lumbee Tribe of North Carolina is au-  
6 thorized to plan, conduct, consolidate, and administer pro-  
7 grams, services, and functions authorized under the Act  
8 of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.),  
9 and the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C.  
10 13), popularly known as the Snyder Act, pursuant to an  
11 annual written funding agreement among the Lumbee  
12 Tribe of North Carolina, the Secretary of the Interior, and  
13 the Secretary of Health and Human Services, which shall  
14 specify—

15 “(A) the services to be provided, the functions  
16 to be performed, and the procedures to be used to  
17 reallocate funds or modify budget allocations, within  
18 any fiscal year; and

19 “(B) the responsibility of the Secretary of the  
20 Interior for, and the procedure to be used in, audit-  
21 ing the expenditures of the tribe.

22 “(2) The authority provided under this subsection  
23 shall be in lieu of the authority provided under the Indian  
24 Self-Determination and Education Assistance Act (25  
25 U.S.C. 450 et seq.).

1       “(3) Nothing in this subsection shall be construed as  
2 affecting, modifying, diminishing, or otherwise impairing  
3 the sovereign immunity from lawsuit enjoyed by the  
4 Lumbee Tribe of North Carolina or authorizing or requir-  
5 ing the termination of any trust responsibility of the Unit-  
6 ed States with respect to the tribe.

7               “CONSTITUTION AND MEMBERSHIP

8       “SEC. 4. (a) After the Secretary has completed his  
9 review and verification of the tribal roll, but in no case  
10 earlier than 24 months after the effective date of this Act,  
11 the Lumbee Tribe of North Carolina shall adopt a con-  
12 stitution and bylaws. Any constitution, bylaws, or amend-  
13 ments to the constitution or bylaws that are adopted by  
14 the tribe must be consistent with the terms of this Act  
15 and shall take effect only after such documents are filed  
16 with the Secretary of the Interior. The Secretary shall as-  
17 sist the tribe in the drafting of a constitution and bylaws,  
18 the conduct of an election in accordance with the proce-  
19 dures set forth in part 81 of title 25 of the Code of Federal  
20 Regulations with respect to such constitution, and the re-  
21 organization of the government of the tribe under any  
22 such constitution and bylaws. In addition to the require-  
23 ments of this Act and part 81 of title 25 of the Code of  
24 Federal Regulations, only adult enrolled members of the  
25 Lumbee Tribe of North Carolina shall be eligible to vote  
26 on the constitution.

1       “(b)(1) Until the Lumbee Tribe of North Carolina  
2 adopts a constitution and except as provided in paragraph  
3 (2), the membership of the tribe shall, subject to review  
4 by the Secretary, consist of every individual who is named  
5 in the tribal membership roll that is in effect on the date  
6 of enactment of this Act.

7       “(2)(A) Within 60 days after the effective date of this  
8 Act, the roll of the tribe shall be open for a 180-day period  
9 to allow the enrollment of any individual previously en-  
10 rolled in another Indian group or tribe in Robeson or ad-  
11 joining counties, North Carolina, who demonstrates  
12 that—

13               “(i) the individual is eligible for enrollment in  
14 the Lumbee Tribe of North Carolina; and

15               “(ii) the individual has abandoned membership  
16 in any other Indian group or tribe.

17       “(B) The Lumbee Tribe of North Carolina shall ad-  
18 vertise in newspapers of general distribution in Robeson  
19 and adjoining counties, North Carolina, the opening of the  
20 tribal roll for the purposes of subparagraph (A). The ad-  
21 vertisement shall specify the enrollment criteria and the  
22 deadline for enrollment.

23       “(3) The review of the tribal roll of the Lumbee Tribe  
24 of North Carolina shall be limited to verification of compli-  
25 ance with the membership criteria of the tribe as stated

1 in the Lumbee Petition for Federal Acknowledgment filed  
2 with the Secretary by the tribe on December 17, 1987.  
3 The Secretary shall complete his review and verification  
4 of the tribal roll within the 12-month period beginning on  
5 the date on which the tribal roll is closed under paragraph  
6 (2).

7 “INTERIM GOVERNMENT

8 “SEC. 5. (a) Until the tribe has adopted a constitu-  
9 tion pursuant to the terms of this Act, the Board of Direc-  
10 tors of the Lumbee Regional Development Association  
11 (hereafter in this section referred to as ‘LRDA’) is recog-  
12 nized as the sole provisional and transitional governing  
13 body of the tribe. Until an election of tribal officers under  
14 the new constitution, the LRDA shall—

15 “(1) represent the tribe and its members in the  
16 implementation of this Act; and

17 “(2) during such period—

18 “(A) have full authority to enter into con-  
19 tracts, grant agreements, and other arrange-  
20 ments with any Federal department or agency;  
21 and

22 “(B) have full authority to administer or  
23 operate any program under such contracts or  
24 agreements.

25 “(b) Until the initial election of tribal officers under  
26 a new constitution and bylaws, the LRDA shall—

1 “(1) oversee and implement the drafting and  
2 proposal to the tribe of a new constitution and con-  
3 duct such meetings or hearings as it deems nec-  
4 essary;

5 “(2) oversee the opening of the tribal roll and  
6 advertising of the opening as provided for in section  
7 4; and

8 “(3) oversee the election to adopt the constitu-  
9 tion.

10 “JURISDICTION

11 “SEC. 6. (a)(1) The State of North Carolina shall ex-  
12 ercise jurisdiction over—

13 “(A) all criminal offenses that are committed  
14 on, and

15 “(B) all civil actions that arise on,  
16 lands located within the State of North Carolina that are  
17 owned by, or held in trust by the United States for, the  
18 Lumbee Tribe of North Carolina, any member of the  
19 Lumbee Tribe of North Carolina, or any dependent Indian  
20 community of the Lumbee Tribe of North Carolina.

21 “(2) The Secretary of the Interior is authorized to  
22 accept on behalf of the United States, after consulting  
23 with the Attorney General of the United States, any trans-  
24 fer by the State of North Carolina to the United States  
25 of any portion of the jurisdiction of the State of North  
26 Carolina described in paragraph (1) pursuant to an agree-



1 ment between the Lumbee Tribe of North Carolina and  
2 the State of North Carolina. Such transfer of jurisdiction  
3 may not take effect until 2 years after the effective date  
4 of such agreement.

5 “(3) The provisions of this subsection shall not affect  
6 the application of section 109 of the Indian Child Welfare  
7 Act of 1978 (25 U.S.C. 1919).

8 “(b) Section 5 of the Act of June 18, 1934 (chapter  
9 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84  
10 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the  
11 Lumbee Tribe of North Carolina with respect to lands  
12 within the exterior boundaries of Robeson and adjoining  
13 counties, North Carolina.

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 7. (a) There are authorized to be appropriated  
16 such funds as may be necessary to carry out this Act.

17 “(b) In the first fiscal year in which funds are appro-  
18 priated under this Act, the tribe’s proposals for expendi-  
19 tures of such funds shall be submitted to the Committee  
20 on Indian Affairs of the Senate and the Committee on Re-  
21 sources of the House of Representatives 60 calendar days  
22 prior to any expenditure of such funds by the tribe.”.

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